

Agenda Item No: 4 **Report No: 126/13**

Report Title: Application for a Premises Licence. Proposed Premier Inn, Former Magistrates Court, Friars Walk, Lewes

Report To: Licensing Sub-Committee Date: 13 August 2013

Report By: Director of Planning and Environmental Services

Contact Officer(s): Ian Kedge Head of Environmental and Health

1. The Application:

1.1 Applicant: Whitbread Group plc, Whitbread Court, Porz Avenue, Dunstable, Bedfordshire LU5 5XE

1.2 Premises: Former Magistrates Court, Friars Walk, Lewes BN7 2PG

1.3 Type of application: Application for a Premises Licence to be granted under the Licensing Act 2003.

1.4 Licensable activities:

1.4.1 Sale of alcohol for consumption on and off the premises from 10am to 12.30am (the following morning) Monday to Sunday – with the sale of alcohol to hotel residents 24 hours
Non standard timings should these hours not be granted – then to permit the sale of alcohol on Fridays, Saturdays, Sunday's and Mondays at bank holiday weekends, Christmas Eve, Boxing Day, New Years Day and All Saints Days until 12.30am (the following morning)
New Years Eve from 10am to New Years Day terminal hour

1.4.2 Late night refreshment indoors from 11pm to 12.30am (the following morning)
Non standard timings – when the hours for the sale of alcohol are extended hereunder these hours are also extended.

1.4.3 The exhibition of films indoors from 10am to 12.30am (the following morning) from Monday to Sunday.
Non standard timings – when the hours for the sale of alcohol are extended hereunder these hours are also extended

1.5 Steps to promote the Licensing Objectives:

1.5.1 The applicant has offered the following to promote the four licensing objectives.

1.5.2 General

The proposed Hotel will have at ground floor level a secure entrance lobby fronting to the car park at the rear of the site with the main hotel reception, lounge bar and restaurant at first floor level. The general arrangement plans identify other units at ground floor level, apart from the secure entrance lobby. These form no part of this application. This application relates to the first floor only, as shown on Drawing No. 3318/L01.

There will be no traditional bar servery.

A run of cabinets / furniture to the rear of the seating area will be used to facilitate the 'eat all you can' buffett breakfast which is the main food offer. In the evening there will be a limited menu. This is offered for those individuals who do not wish to leave the safety of the Hotel, ie. lone female travellers and people with young families.

There is an expectation by Whitbread plc that may people will wish to look at the existing provision within the town centre for food.

There will be no beer provided on tap. All alcohol dispensed will be from the chiller cabinets wich will be controlled by members of serving staff.

1.5.3 The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below:

The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.

Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in the hotel bedrooms.

Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.

There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.

The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.

The management of the premises will liaise with police on issues of local concern or disorder.

CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.

There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

1.5.4 Public safety

No further risks have been identified which need to be addressed, save as below:

To comply with the reasonable requirements of the fire officer from time to time.

The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
Toughened glasses will be used in the premises where appropriate.
Fire exits and means of escape shall be kept clear and in good operational condition.

1.5.5 The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below:
Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

1.5.6 The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
Children under the age of 16 shall not be permitted to enter the premises after 9pm unless dining with an adult or attending a pre booked function or resident in the hotel.
There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage. General.

2. Background Information:

- 2.1 The Lewes Magistrates Court was purpose built in 1986 and functioned as such until its closure in March 2011. Since then, the premises have remained closed and unused.

An application was submitted to the South Downs National Park Authority on Friday 24th May by Quora (Lewes) Ltd and Killarney Comercio Internacional for the demolition of existing courthouse buildings and redevelopment of site for the erection of a mixed use development comprising flexible retail and leisure uses at ground floor and a 62 bed hotel on first and second floors. This application is currently pending consideration.

The building is situated in Friars Walk in the centre of town close to the town precinct with its variety of retail and food business premises. There are residential properties within 50 meters to the south of the site in Friars walk, and various business premises opposite. Behind the premises to the East is a public car park comprising approximately 80 parking bays.

- 2.2 There are 3 other public houses in the vicinity of the site and 1 wine bar. These being the Volunteer in Eastgate Street near Waitrose, the Lansdown Arms at the bottom of Station Street, and a couple of doors away from the Lansdown Arms in Friars Walk is Symposium Wine Emporium. Through the precinct and across Cliffe Bridge is the John Harvey Tavern. Both the John Harvey Tavern and the Volunteer open until 12.30am weekdays, with the John Harvey Tavern opening weekends until 2.30am and the Volunteer 1.30am. The Lansdown Arms is open until 1am weekdays and 1.30am weekends. Symposium Wines is open until 11pm weekdays and 10pm Sundays.

Environmental Health have received one complaint in the last 2 years relating to public nuisance in Friars Walk. This complaint was received at the beginning of July this year.

Sussex Police have received approximately 7 calls regarding antisocial Behaviour since January 2013

3. Representation received from Responsible Authorities:

- | | | |
|-------|---------------------------------|---------------------|
| 3.1.1 | <u>Police:</u> | No comment |
| 3.1.2 | <u>Environmental Health:</u> | No comment. |
| 3.1.3 | <u>Fire Officer:</u> | No comment. |
| 3.1.4 | <u>ESCC – Child Protection:</u> | No comment. |
| 3.1.5 | <u>Trading Standards:</u> | No comment. |
| 3.1.6 | <u>Health & Safety:</u> | No representations. |
| 3.1.7 | <u>Planning:</u> | No comment. |
| 3.1.8 | <u>Public Health.</u> | No comment |

4. Representation received from Interested parties:

- 4.1 There have been 29 letters and 3 e-mails received making representation regarding this application from members of the public. The objections are

on the grounds of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

5. Licensing Policy Considerations:

- 5.1** Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol, regulated entertainment, and late night refreshment which are subject to this licence application.
- 5.2** The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act.
- Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm
- 5.3** The following will be taken into account when licensing decisions are being made. The Council as Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives. Each licensing application will be given individual consideration on its merits.
- 5.4** The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.
- 5.5** Any person has a right to make representations concerning applications for premises licences and hours of the licensable activity and to have those representations given equal weight regardless of the area of the District in which they live.
- 5.6** In each case that arises following representations the Policy states the Council will:
- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities involved and the rights of local residents to peace and quiet.
 - b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
 - c) Consider restricting the hours only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.
- 5.7** The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The

Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children and will not allow the views of vocal minorities to predominate over the general interest of the community.

- 5.8** The Council will only attach licence conditions that are reasonable, proportionate and appropriate for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.
- 5.9** The Council is aware of the value to the community of a broad range of cultural entertainment, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.
- 5.10** If a responsible authority and/or any other person do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 5.11** The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing that it is appropriate to impose conditions due to the representations raised. It may then only impose such conditions that are appropriate to promote the Licensing Objectives arising out of consideration of the representations.

6. National Guidance:

- 6.1** The Council may attach conditions to the licence in consideration of the application and Section 10 of the National Guidance provides advice and recommendations concerning best practice in relation to conditions attached to premises licences.

7. Financial Implications:

There are no financial implications to this report

8. Environmental Implications:

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations

9. Risk Management Implications:

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

10. Equalities Implications:

I have completed the Equalities Implications questionnaire and there are no significant effects as a result of these recommendations.

11. Background Papers:

Application for the grant of a premises licence for the former Magistrates Court, Friars Walk, Lewes made by Whitbread plc.

12. Appendices:

1. Drawing 3318/L01 – detailed first floor layout drawing to a scale of 1:100 and with the internal licensed area edged in red.
2. Google Earth Image identifying the approximate location of the site
3. Drawing No. P1010 Rev C – indicative site plan with entrance lobby highlighted in blue
4. Drawing No. P1011 Rev C – indicative detailed ground floor plan identifying the hotel entrance and lobby to the top right of the plan
5. Drawing No. P1012 Rev B – indicative first floor general layout plan.
6. Drawing No. P1013 Rev B – indicative second floor layout plan.
7. Example photographs of internal layout
8. 32 letters and e-mails of objection from residents